

SIXTIETH DAY

(Thursday, May 12, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Absent

Corbin

Absent—Excused

Weinert

A quorum was announced present.

(President Pro Tempore in the Chair.)

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, for the rest of the night, the dawning of a new day, and the refreshing rain, accept our grateful thanks. Make us worthy of Thy goodness, and like the silence of the coming day, may Thy presence come in our lives to make us rejoice in Thee. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday were dispensed with and the Journal was approved.

Leave of Absence

Senator Weinert was granted leave of absence for today on account of a death in his family on motion of Senator Lane.

Senate Resolution 346

Senator Strauss offered the following resolution:

Whereas, we are honored today to have in the gallery the Senior Class of Hillsboro High School as follows: Joan Allen, Dana Bennett, Shirley Blackburn, Bessie Bottoms, Quinn Brackett, Jerry Cleveland, Maudette Clinard, Barbara Davison, Robert Dickey, Pat Duke, Bobby Elvington, Jerry Foster, Tom Bobby Gage, Peggy Godbey, Bobby Greebon, Donald Gunn, Virginia Hailey, Diane Hauck, Dwayne Hickey, Beverly Hollingsworth, Ann Irvin, Jessie Johnson, Kemp Johnson, James Lewis, Honell Lewis, Kenneth Lowe, Dick Ince, Glenda McClure, Carolyn McCullough, Nancy McIntyre, Martha McMullin, Bill Middlebrook, Lowell Morgan, Jerlboyd Ohm, Ronald Orr, Carline Rabb, Carolyn Rice, Mary Ann Rose, Jerry Rose, James Sanders, Dale Scott, Nelda Snelson, Kathyleen Stringer, Jerry Tekell, Gail Ward, Tony Whitson, Nadine Yates, Billy Gene Ball, David Bledsoe, Smith Lawrence, Earlene Honeycutt, Faye Williams, Sue Wilburn, James Grantom and Roland Williams, accompanied by their sponsors, Mr. and Mrs. Joe A. Nelson, Mrs. Roberta Dalton, Mr. and Mrs. Howard Fruend and Mr. and Mrs. Connie Pollard; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

MARTIN
STRAUSS

The resolution was read and was adopted.

Senator Strauss, on behalf of Senator Martin (who was presiding at the time) presented the students and sponsors to the Members of the Senate.

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
May 12, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 395, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 12, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 630, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 12, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 215, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 12, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 56, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 12, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 894, have had the same under consideration, and we are instructed to

report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 12, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 926, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 12, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 53, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, and be not printed, but that committee substitute adopted in lieu thereof do pass, as amended, and be printed.

C. S. H. B. No. 53 was read first time.

HARDEMAN, Chairman.

Austin, Texas,
May 12, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 373, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senate Resolution 347

Senator Hardeman offered the following resolution:

Whereas, Tomorrow, May 13, marks the anniversary of the births of three distinguished Texans, namely, Miss Rita Rhea Ramsey, Honorable George Parkhouse and Honorable Carlos Ashley; and

Whereas, Miss Ramsey is Princess of the Senate and Senators Parkhouse

and Ashley are members of that Body; and

Whereas, It is the desire of their colleagues to recognize this important event in the lives of each as they mark another milestone on life's highway, and to extend their best wishes and congratulations to each of them; now, therefore, be it

Resolved, By the Senate of Texas, that the best wishes and congratulations of the Senate be and the same are hereby extended to these three distinguished citizens, and that copies of this resolution under the official seal of the Senate be forwarded to each of them by the Secretary of the Senate.

HARDEMAN
LANE

Signed — Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Colson, Corbin, Fly, Fuller, Hazlewood, Kazen, Kelley, Latimer, Lock, Martin, McDonald, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Roberts, Rogers of Childress, Rogers of Travis, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Kazen the names of the Lieutenant Governor and all of the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Resolution 348

Senator Bracewell offered the following resolution:

Whereas, "The Texas Citizen," a book serving as a guide to active citizenship in the Lone Star State, has recently been published; and

Whereas, The author of this book, William H. Gardner, is a most distinguished Capitol correspondent who has served for many years in the Capitol of Texas as representative of the Houston Post, and is respected by Legislators, State Officials and others as one of the most capable students of Texas State Government; and

Whereas, Mr. Gardner has performed a distinguished service to his State by writing a book to serve as a guide for better citizenship in our State; and

Whereas, "The Texas Citizen" is extremely factual, comprehensive and calculated to afford to all who read it a better understanding of the operation of the State Government which

will result in better citizenship by all who have the opportunity to read it; and

Whereas, It is the desire of the Senate to commend to all citizens the reading of this excellent book, especially the younger citizens of Texas in the schools of this State; now, therefore, be it

Resolved, By the Senate of Texas, that this Body congratulate the Honorable William H. Gardner on his contribution to the State of Texas through his book entitled "The Texas Citizen," and that the Senate commend to all Texans, the reading and study of this excellent source of information on the Government of the Lone Star State.

BRACEWELL
PHILLIPS

Signed — Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Colson, Corbin, Fly, Fuller, Hardeman, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moffett, Moore, Owen, Parkhouse, Ratliff, Roberts, Rogers of Childress, Rogers of Travis, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Strauss the names of the Lieutenant Governor and all of the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Conference Committee on Senate Bill 165

The President Pro Tempore announced the appointment of the following as a Conference Committee on the part of the Senate on S. B. No. 165:

Senators Hardeman, Lane, Ashley, Aikin and Parkhouse.

Message from the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,
May 12, 1955.

To the Senate of the Fifty-fourth Legislature.

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Board of Dental Examiners for six-year terms to expire May 24, 1961:

Dr. H. Arthur Zappe of Mineral Wells, Palo Pinto County;

Dr. Jack R. Winston of Houston, Harris County.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

Senate Resolution 349

Senator Parkhouse offered the following resolution:

Whereas, We are honored to have in the gallery of the Senate students from Greenhill School in Dallas, accompanied by their teachers, Miss Mildred Fulkerson and Mr. David G. Hunt; and

Whereas, These students are on an educational tour of the Capitol Building, and are here to observe and to learn at firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome these young guests and their teachers and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to each of them in recognition of their visit.

The resolution was read and was adopted.

Senator Parkhouse by unanimous consent presented the students and Miss Fulkerson and Mr. Hunt to the Members of the Senate.

(President in the chair.)

Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H. C. R. No. 101, Designating a State Agency to obtain from the Federal Government by gifts and grants badly needed war surplus materials for use and benefit of public schools and institutions of higher learning.

H. J. R. No. 31, A Joint Resolution "Proposing an amendment to Section 51 of Article III of the Constitution of the State of Texas by adding there-

to, a new section to be known as Section 51a and providing that the Legislature may grant aid and compensation to persons who have been fined or imprisoned in this State, under the laws of this State for offenses of which they are not guilty."

H. B. No. 881, A bill to be entitled "An Act amending Section 1 of Chapter 483 of the Acts of the 51st Legislature, Regular Session, 1949, codified as Section 1 of Article 5248g, Vernon's Civil Statutes of Texas, so as to include within its terms and provisions the County of Cameron, Texas; and declaring an emergency."

H. B. No. 933, A bill to be entitled "An Act regulating the hunting of wild pheasants in Hidalgo County; prescribing the season and the conditions under which wild pheasants may be hunted, taken or killed; prohibiting the hunting, taking or killing of wild pheasants at any other season or under any other conditions and providing a penalty for violation; repealing conflicting laws; and declaring an emergency."

H. B. No. 756, A bill to be entitled "An Act authorizing any city including any city operating under a Home Rule Charter, having outstanding water revenue bonds whose net revenues from its waterworks system for each of the two fiscal years next preceding the date when it avails itself of this law are equal to or exceed two hundred per cent of the requirements of principal and interest on such outstanding bonds for the year when such requirements are the greatest, to enter into contracts for refunding said outstanding bonds or in aid of such refunding; providing for issuance of additional parity bonds, subject to encumbrance of outstanding revenue bonds not refunded; securing such parity bonds by pledge of revenues and, if deemed advisable, by a mortgage of the physical properties; providing that such city may deposit money with State Treasurer sufficient to pay bonds not refunded, with interest to respective maturity dates; prescribing the duties of State Treasurer as to the use of such deposited funds; providing that the official bond of the State Treasurer shall protect such deposited funds; providing for the approval of such additional bonds by the Attorney General and registration of such

bonds in the office of Comptroller of Public Accounts; and prescribing the effect thereof; providing a referendum in certain instances; making this Act cumulative but controlling when inconsistent or in conflict with other laws; providing a severability clause; enacting other provisions relating to this subject; and declaring an emergency."

H. B. No. 932, A bill to be entitled "An Act closing the season for hunting wild turkeys in Jim Hogg County for a period of five years; providing penalty for violation of this Act; suspending conflicting laws; and declaring an emergency."

H. B. No. 691, A bill to be entitled "An Act amending Section 3, Senate Bill No. 277, Chapter 231, Acts, Fortieth Legislature, 1927, known as Article 974a, Vernon's Texas Civil Statutes, allowing cities within five miles of each other to enter into agreements on platting outside their own corporate limits under certain conditions; and declaring an emergency."

H. B. No. 688, A bill to be entitled "An Act amending Subsection (a) of Section 5 of Article XVII, Chapter 184, Acts of the Regular Session of the 47th Legislature, as amended by Chapter 298, Acts of the Regular Session of the 48th Legislature, by extending the existing law which authorizes one licensed distributor to make sales or resales of motor fuel products without collecting the tax imposed thereon to another licensed and bonded distributor when the products are purchased for exportation, further refining, or blending with other products, to extend said authority to one licensed distributor to make sales or resales of said motor fuel products without collecting the tax imposed thereon to another licensed and bonded distributor who purchased the product for the purpose of sale or resale to the Federal Government for the exclusive use of said Federal Government, containing savings and repealing clauses and declaring an emergency."

H. B. No. 765, A bill to be entitled "An Act regulating the manner of taking fish from the waters of the Guadalupe River in Victoria, Calhoun and Refugio Counties; prohibiting the use of certain devices and providing

a penalty for violation; repealing conflicting laws; and declaring an emergency."

H. B. No. 880, A bill to be entitled "An Act providing for the appointment of court interpreters in certain Judicial Districts; providing for payment of salaries to such interpreters; repealing Acts, Fifty-first Legislature, 1949, Chapter 28, and other laws in conflict; and declaring an emergency."

H. B. No. 343, A bill to be entitled "An Act relating to packing and shipment of citrus fruit; amending Section 9 of Chapter 180, General Laws of the 43rd Legislature, Regular Session, 1933, so as to prohibit shipment of citrus fruit in bulk under certain circumstances and to require such fruit to be packed in closed containers."

H. B. No. 681, A bill to be entitled "An Act amending Articles 613 and 649 of the Revised Civil Statutes of 1925, as amended, to allow cashier's checks to accompany bids; amending Article 655 of the Revised Civil Statutes of 1925, as amended, to dispense with the necessity of an affidavit from the seller in connection with invoices of Fifty Dollars or less; and declaring an emergency."

H. B. No. 748, A bill to be entitled "An Act amending Article 7922, Revised Civil Statutes of Texas, 1925, relating to the power of fresh water supply districts to incur indebtedness; authorizing the issuance of notes payable solely from revenue upon a majority vote of the members of the board of supervisors without the necessity of an election; making further provisions concerning the issuance of the notes and the pledging of revenues for payment; and declaring an emergency."

H. B. No. 635, A bill to be entitled "An Act fixing the open season for killing wild quail in Cochran County; prohibiting the killing of wild quail at any other time and providing the penalty for violation; repealing conflicting laws; and declaring an emergency."

H. B. No. 734, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 98, Chapter 62, Acts of the 53rd Legislature, Regular Session (Article 2779b, V. C. S.), so as

to change the amount of the surety bond requirement of the tax assessor-collector of an independent school district having its own tax assessor-collector; and declaring an emergency."

H. B. No. 558, A bill to be entitled "An Act authorizing the leasing for minerals of all or any part of the Public Lands of the State in and under and adjacent to Caddo Lake and the tributaries thereto by the Commissioner of the General Land Office in accordance with the provisions of existing or future laws pertaining to the leasing and development of all islands, salt water lakes, bays, inlets, marshes and reefs, owned by the State within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, and all unsold public free school land, both surveyed and unsurveyed, in so far as same are not in conflict with the provisions of this Act; providing that development on such lands shall be conducted so far as practicable to prevent pollution and authorizing the Commissioner of the General Land Office, with the advice and assistance of the Game and Fish Commission, to prescribe and enforce rules and regulations for that purpose; repealing all laws or parts of laws, special or general, to the extent of any conflict herewith; providing a savings clause; and declaring an emergency."

H. B. No. 476, A bill to be entitled "An Act allowing independent school districts to enter into contracts with any attorney of this State for the collection of delinquent taxes; providing for his compensation; making this Act cumulative of all other laws; and declaring an emergency."

H. B. No. 377, A bill to be entitled "An Act providing for additional compensation for the County Judge of Bexar County for serving as a member of the County Juvenile Board; naming the fund out of which the additional compensation shall be payable; providing that this Act shall be cumulative of existing laws; providing for a severability clause; and declaring an emergency."

H. B. No. 861, A bill to be entitled "An Act establishing the Fannin County Juvenile Board; prescribing its membership and powers and providing for compensation of its mem-

bers; repealing conflicting laws; providing for severability; and declaring an emergency."

Senate Resolution 350

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Sixth Grade Class of the Carver Elementary and Kemp High School of Bryan, Texas, accompanied by their teachers, Mr. and Mrs. Scurry and Mrs. Cass; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moore by unanimous consent presented the students and teachers to the Members of the Senate.

Meeting of Committee on Nominations of the Governor

On motion of Senator Aikin and by unanimous consent a meeting of the Committee on Nominations of the Governor was held.

Conference Committee Report on Senate Bill 154

Senator Shireman submitted the following Conference Committee report on S. B. No. 154:

Austin, Texas,
May 9, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 154, have met and had same under consideration, and beg to report it

back with the recommendation that it do pass in the form attached.

SHIREMAN

OWEN

FULLER

AIKIN

BRACEWELL,

On the part of the Senate.

GARRETT

REEVES

KIRKHAM

McNEIL

SCHWARTZ,

On the part of the House.

S. B. No. 154:

**A BILL
TO BE ENTITLED**

"An Act amending Acts of 1943, page 168, Chapter 98, compiled as Article 135b-1 of Vernon's Revised Civil Statutes of Texas relating to the prevention of fraud in the sale of agricultural insecticides and fungicides; authorizing the State Chemist to contract with approved commercial laboratories for analysis of samples; prohibiting disclosure of certain information to such laboratories; providing for a 'Stop Sale' order; providing for a registration fee and allocation thereof; providing for exceptions under certain conditions; providing for an appropriation; providing a savings clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 7 of Acts of 1943, page 168, Chapter 98, compiled as Article 135b-1 of Vernon's Revised Civil Statutes of Texas, be, and the same is hereby amended so as to read as follows:

"Sec. 7. The Commissioner of Agriculture in person or by duly authorized representative shall have the power to enter into any building or place owned, controlled or operated by a registrant or dealer where, from probable cause, it reasonably appears that said building or place contains agricultural insecticides or fungicides, for the purpose of inspection or sampling, and shall have the power to take a sample for analysis, not exceeding two pounds, from any package or lot of agricultural insecticides or fungicides found within the State, and said samples shall be sealed and transmitted directly to the State Chemist at the Texas Agricultural and Mechanical College System at College Station. It shall be the duty

of the State Chemist to make an examination and analysis of such samples or to have the same made by a duly authorized representative under his direction. If necessary, however, the State Chemist may contract with any approved commercial laboratory to make an examination and analysis of such samples and to make reports thereon to him. The State Chemist shall not disclose to such commercial laboratory any information which might reveal the identity of the manufacturer or registrant of the product or of the dealer from whose possession the sample was taken. All of such analyses shall be made by the methods of the Association of Official Agricultural Chemists of North America, if the necessary method has been adopted, or in the absence of such method, the State Chemist shall be authorized to select a method."

Sec. 2. That Section 8 of Acts of 1943, page 168, Chapter 98, compiled as Article 135b-1 of Vernon's Revised Civil Statutes of Texas be, and the same is hereby amended so as to read as follows:

"Sec. 8. (a) If it shall appear from the examination and analysis of any such samples that the same are misbranded or adulterated within the meaning of this Act, the State Chemist shall certify the results to the Commissioner of Agriculture, who shall cause notice thereof to be given to the manufacturer of said product, and said notice shall be accompanied by a copy of said analysis so made, together with the statement by said Commissioner as to where such samples were taken; whereupon, the Commissioner shall issue and enforce a written 'Stop Sale' order to the owner, custodian, or manufacturer on such examined and analyzed lot or lots of insecticides or fungicides shown to be misbranded or adulterated. Such order shall prohibit further sale of any such insecticide or fungicide until the law has been complied with and the Commissioner has issued an order withdrawing the 'Stop Sale' order. It shall be the duty of each prosecuting attorney of this State to whom the Commissioner of Agriculture shall report any violation of this Act to cause appropriate proceedings to be commenced and prosecuted in the proper courts of this State, without delay, for the enforcement of the penalties as in such case herein provided. Provided, that in respect to insecticides and fungicides which have been denied sale as provided in this

section, the owner, custodian or manufacturer shall have the right to demand a portion of any sample taken for examination and analysis by the State Chemist by requesting the same in writing within thirty (30) days after receipt of the notice above provided; and provided further that the owner, custodian or manufacturer shall have the right to appeal from such order to a court of competent jurisdiction where the insecticides or fungicides are found, praying for a judgment as to justification of said order and for the discharge of such insecticides or fungicides from the order prohibiting sale in accordance with the findings of the court.

"(b) The Commissioner of Agriculture shall issue at least one report annually setting forth the analysis of agricultural insecticides and fungicides made under the provisions of this Act; the operation of this law, and such other information concerning violations of the law, or operations of this Act, or otherwise, as may be considered necessary; provided, however, that the Commissioner of Agriculture and the State Chemist shall in no event be authorized or permitted to divulge to any person any trade secrets, formulas, or practices of any person, firm, or corporation subject to this Act."

Sec. 3. That Section 10 of Acts of 1943, page 168, Chapter 98, compiled as Article 135b-1 of Vernon's Revised Civil Statutes of Texas be, and the same is hereby amended so as to read as follows:

"Sec. 10. (a) For the sole purpose of defraying the expenses connected with the inspection of agricultural insecticides or fungicides sold, or exposed or offered for sale, in this State, and with the making of examinations and analyses thereof, all firms, corporations, or persons engaged in the manufacture or sale of agricultural insecticides or fungicides shall, in place of a tonnage tax, pay annual registration fees to the Commissioner of Agriculture as follows: Ten Dollars (\$10) per brand for the first twenty-five (25) brands registered; Five Dollars (\$5) for each brand registered in excess of twenty-five (25), up to and including seventy-five (75) brands; and Two Dollars (\$2) for each brand registered in excess of seventy-five (75) brands; but in cases where the registration fees have been paid either by the manufacturer or the jobber, as required by this Section, then in that event nothing in

this Section shall be construed as applying to retail dealers selling agricultural insecticides and fungicides.

"(b) All registration fees collected by the Commissioner of Agriculture under the provisions of Section 10 (a) shall be transmitted to the State Treasury and credited to the Special Department of Agriculture Fund. The Commissioner of Agriculture and the Texas Agricultural and Mechanical College System shall contract, as authorized by the Interagency Cooperation Act, for reimbursement for the services performed by the State Chemist under Section 7 hereof and for the payment of costs of contracts made with commercial laboratories. Such reimbursement shall be made from the Special Department of Agriculture Fund and so much thereof as may be necessary is hereby appropriated for such purpose to the Commissioner pursuant to Acts of the 53rd Legislature, 1953, Regular Session, Chapter 65. After September 1, 1955, the expenditures shall be as provided in the General Appropriation Act."

Sec. 4. That Section 15 of the Acts of 1943, page 168, Chapter 98, compiled as Article 135b-1 of Vernon's Revised Civil Statutes of Texas be, and the same is hereby amended so as to read as follows:

"Sec. 15. Section 6 of this Act shall not be construed as applying to retail dealers selling agricultural insecticides or fungicides nor to any person, firm, corporation, partnership or association engaged in the business of the sale of insecticides as an incident to application thereof, when the manufacturer or jobber of the insecticide or insecticides so sold, offered for sale, or applied has previously registered such products as required by this Act."

Sec. 5. If any word, phrase, clause, sentence, paragraph, section, or part of this Act shall be held by any court of competent jurisdiction to be invalid, it shall not affect any other word, phrase, clause, sentence, paragraph, section or part of this Act.

Sec. 6. The fact that present law does not provide for proper chemical analysis of insecticides and fungicides now offered for sale in Texas, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee report was read.

On motion of Senator Shireman and by unanimous consent the report was considered immediately and was adopted by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Absent

Corbin Phillips

Absent—Excused

Weinert

(President Pro Tempore in chair.)

House Bill 341 on Second Reading

The President Pro Tempore laid before the Senate as a Special Order set for 10:30 o'clock a. m. on Thursday, May 12, 1955, H. B. No. 341 on its second reading (the bill having been read second time on Wednesday, May 11, 1955) with Committee Amendment No. 3 pending.

Question—Shall Committee Amendment No. 3 to H. B. No. 341 be adopted?

Committee Amendment No. 3 was adopted.

(Senator Roberts in the Chair.)

Senator Hardeman offered the following committee amendment to the bill:

Amend H. B. 341, Sec. 6, by striking out the words "not less than" between the words "at the rate of" and "three (3%) per cent per annum."

The committee amendment was adopted.

Senator Hardeman offered the fol-

lowing committee amendment to the bill:

Amend H. B. 341, Sec. 6, by inserting the words "except for oil, gas or other minerals and so long thereafter as any minerals may be produced in commercial quantities" between the words "may not be leased by the purchaser for any term exceeding ten (10) years" and "and no such lease shall contain any provision for option or renewal of such lease."

The amendment was read.

Senator McDonald offered the following amendment to the committee amendment:

Amend the Hardeman amendment, Sec. 5, by inserting between the word "minerals" and "and" the following: "which shall not be for more than ten (10) years."

The amendment to the committee amendment was adopted.

Record of Vote

Senator Fuller asked to be recorded as voting "nay" on the adoption of the amendment to the committee amendment.

The committee amendment, as amended, was then adopted.

Senator Hardeman offered the following committee amendment to the bill:

Amend H. B. 341, Sec. 13, by changing the comma after the word "used" in paragraph "Sec. 32 (a)" to a period and striking out the words "or in Travis County."

The committee amendment was read.

(President Pro Tempore in the Chair.)

(Pending discussion of the committee amendment, Senators Wagon-seller, Aikin and Moffett occupied the Chair temporarily.)

(The President in the Chair.)

Senator Lane offered the following substitute for the committee amendment:

Amend H. B. 341 by inserting in lieu of a comma after the word "imprisonment" a period in lines 30, 43 and 55 on page 8, and deleting all words in the respective sentences following such word "imprisonment."

The substitute for the committee amendment was read.

Question—Shall the substitute by Senator Lane for the committee amendment be adopted?

Executive Session

On motion of Senator Aikin, and by unanimous consent, the Senate agreed to hold an executive session at 12:08 o'clock p. m. today.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Criminal District Attorney for Galveston County effective immediately: Marsene Johnson of Galveston, Galveston, County.

To be a member of the Board of Pardons and Paroles: L. C. Harris, of Travis County.

To be Branch Pilot for Port Aransas Bar, Corpus Christi Bay and Tributaries for term to expire April 1, 1957: Carl Joseph Bromley of Nueces County.

To be members of the San Jacinto State Park Commission, for terms to expire May 23, 1957:

Miss Mary Tod of Houston, Harris County;

W. T. Kendall, Jr., of Houston, Harris County;

Charles E. Gilbert, Jr., of Houston, Harris County.

To be members of the State Board of Pharmacy for six-year terms to expire June 14, 1961:

Lee T. Stinson of Snyder, Scurry County;

Frank Reese of Houston, Harris County.

To be members of the State Parks Board for terms to expire May 15, 1961:

Frank D. Quinn of Austin, Travis County;

Wendell Mayes of Brownwood, Brown County.

To be Rio Grande Compact Commissioner for two-year term to expire July 16, 1957: Louis A. Scott of El Paso, El Paso County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 1:00 o'clock p. m. today.

Recess

On motion of Senator Moffett, the Senate at 1:02 o'clock p. m., took recess until 3:00 o'clock p. m. today.

After Recess

The President called the Senate to order at 3:00 o'clock p. m. today.

Leave of Absence

Senator Corbin was granted leave of absence for remainder of the day on account of important business on motion of Senator Hardeman.

House Bill 341 on Second Reading

The Senate resumed consideration of the pending business, same being H. B. No. 341 on its second reading, with a committee amendment and a substitute by Senator Lane for the committee amendment pending.

(Senator Kazen in the Chair.)

Question—Shall the substitute by Senator Lane for the committee amendment be adopted?

The substitute for the committee amendment was adopted.

The committee amendment, as substituted, was then adopted by the following vote:

Yeas—21

Aikin	Moffett
Ashley	Moore
Fly	Owen
Hardeman	Ratliff
Hazlewood	Roberts
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Willis

Nays—7

Bracewell	Parkhouse
Colson	Phillips
Fuller	Strauss
McDonald	

Absent

Wagonseller

Absent—Excused

Corbin

Weinert

Senator Hardeman offered the following committee amendment to the bill:

Amend H. B. 341, Sec. 4, Subsection 16, by adding at the end of such section the following:

"Nothing in this Act shall be construed as permitting any type of block deal transaction between the state and more than one veteran."

The amendment was read.

Senator Latimer offered the following amendment to the committee amendment:

Amendment to Committee Amendment No. 9, by striking the words "one veteran" and substituting in lieu thereof the words "two veterans."

LATIMER
KAZEN

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was then adopted.

Senator Hardeman offered the following committee amendment to the bill:

Amend Sec. 2, H. B. 341, by inserting after the word "was" on line 54 of the printed House bill the words "shown to be," and by further amending said bill by inserting after the figures "1954" and before the semi-

colon in line 55 of the printed House bill the words "by an instrument in writing recorded on or prior to January 15, 1954."

The committee amendment was read.

Senator Shireman offered the following substitute for the committee amendment:

Amend H. B. No. 341 by inserting after the word "was" and before the word "outstanding" on line 40 of page 2 of the printed bill the words "shown to be" and by furthering said Section 2 of said bill by striking out the semicolon after 1954 at the end of line 40 on page 2 and substituting the following: "by an instrument in writing properly recorded in the office of the county clerk of the county where the land is located on or prior to January 15, 1954";

The substitute for the committee amendment was adopted.

The committee amendment, as substituted, was then adopted.

Senator Owen offered the following amendment to the bill:

Amend H. B. No. 341 by changing the period in line 11, page 6 of Section 8 at the end of the word "after" to a semicolon and adding the following:

"provided, however, the said Board shall give ten days prior written notice of such proposed action by registered mail to the original purchaser or his vendee at his last known address."

The amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 341, page 18, printed bill, by adding a new Section 14, at the close of Section 13 of said bill and renumbering the succeeding sections accordingly:

"Sec. 14. The provisions of this Act and of the Acts which it amends shall apply to the Veterans Land Board and its successors in office."

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend H. B. 341, Section 2, by

striking out the following language beginning on line 41 of the printed bill:

"if a part of the mineral or royalty rights were outstanding on January 1, 1954, the purchase must include the remainder of such rights or the proportionate reversionary rights if the lands are subject to outstanding mineral leases";

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. 341, printed bill, page 6, by changing period to comma on line 44, and adding the following: "not inconsistent with this Act."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. 341 by adding a new Section to be known as Section "8A" to read as follows:

"Section 8A. If any action brought in the courts against the state, after obtaining permission of the legislature, involving the title to any tract of land to which the state has a warranty deed, the state shall have the right to plead all statutes of limitations in the general laws of this state. This shall not be considered as a limitation to any other defense the state might have."

The amendment was adopted.

On motion of Senator Hardeman, and by unanimous consent, the caption was amended to conform to the body of the bill.

The bill, as amended, was passed to third reading.

On motion of Senator Martin, and by unanimous consent, the vote by which H. B. No. 341 was passed to third reading was reconsidered and the bill was placed on its second reading.

On motion of Senator Hardeman, and by unanimous consent, the vote by which the caption was amended to conform to the body of the bill was reconsidered.

Senator Phillips offered the following amendment to the bill:

Amend H. B. 341, Section 10, Subsection 21, following the period after the sentence ending with the word "advisable" on line 41 by adding the following:

"No rule or regulation shall ever be promulgated which will result in the delegation of any responsibility or authority away from members of the Board who are charged with the operation of the Board."

The amendment was adopted.

Senator Phillips offered the following amendment to the bill:

Amend H. B. No. 341, Sec. —

The term "board" as used in this Act shall be construed for the purpose of this Act to mean all the members of the Veteran's Land Board or a majority of the members thereof.

The amendment was adopted.

Senator Phillips offered the following amendment to the bill:

Amend H. B. 341, Section 6, by adding the following paragraph at the end of said Section beginning at line 19:

"No veteran's land transaction shall ever be valid without receiving approval of all members of the Board with such approval vote by all members individually being shown in the minutes of the Board as a permanent record of the Board."

The amendment was adopted.

Senator Phillips offered the following amendment to the bill:

Amend H. B. 341, Section 12(A), Section 25, line 57, by striking out and deleting the words "when necessary."

The amendment was adopted.

Senator Phillips offered the following amendment to the bill:

Amend H. B. No. 341 by adding at end of Sec. 1, Subsec. 10(A):

"No check shall ever be issued by the State Comptroller or any other authorized State Agency in connection with or pertaining to Veteran's Land Board transfers or purchases for veterans without the Comptroller or other authorized State Agencies being furnished certified copies of

minutes showing votes of the Board's approval of such authority for expenditure in connection with Veteran's Land transactions."

The amendment was adopted.

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

(President in the Chair.)

Senator McDonald offered the following amendment to the bill:

Amend H. B. 341, Sec. 11, page 2, by striking out of line 38 the following: "which are subject to outstanding mineral leases" and by striking out the first "and" in line 39.

The amendment was adopted.

Senator Phillips offered the following amendment to the bill:

Amend H. B. 341, page 2, Section 11, line 44, by striking out the words beginning after semicolon on line 44:

"If no mineral or royalty rights were outstanding on January 1, 1954, the sellers may retain not more than one-sixteenth (1/16) (1/2 of the usual 1/8) non-participating royalty of the oil, gas and other minerals excluding sand and gravel)."

The amendment was adopted.

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 341 on Third Reading

Senator Hardeman moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 341 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Kelley
Ashley	Lane
Bracewell	Lock
Colson	Martin
Fuller	McDonald
Hardeman	Moffett
Hazlewood	Owen
Kazen	Parkhouse

Phillips	Rogers of Travis
Ratliff	Secrest
Roberts	Shireman
Rogers	Strauss
of Childress	Willis

Absent

Fly	Moore
Latimer	Wagonseller

Absent—Excused

Corbin	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Moffett
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Lock	Strauss
Martin	Willis
McDonald	

Absent

Latimer	Wagonseller
Moore	

Absent—Excused

Corbin	Weinert
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Conference Committee Discharged on Senate Bill 305

On motion of Senator Moore and by unanimous consent the Conference Committee on the part of the Senate on S. B. No. 305 was discharged.

Senate Bill 305 with House Amendments

Senator Moore called S. B. No. 305 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Moore moved that the Senate concur in the House amendments.

The motion prevailed.

Presentation of Guests

Senator Bracewell by unanimous consent presented students of the Eighth Grade of The Holy Ghost School and their teacher of Bellaire, Texas, to the Members of the Senate.

Conference Committee Report on Senate Bill 39

Senator Martin submitted the following Conference Committee report on S. B. No. 39:

Austin, Texas,
May 12, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 39, have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

MARTIN
HARDEMAN
KELLEY
LANE

On the part of the Senate.

MURRAY
YANCY
BRASHEAR
STRICKLAND
SANDERS

On the part of the House.

S. B. No. 39:

**A BILL
TO BE ENTITLED**

"An Act to provide for suit against a parent who fails to provide for the support and maintenance of his or her child or children under eighteen years old; providing for suit between parents to determine custody in certain cases; providing for venue, process, hearing and orders; providing further for punishment as for contempt for violation or failure to obey any orders; providing for payment to the district clerk; providing for procedure in the event a divorce action is filed and child support and child custody orders are entered therein; making this Act cumulative of other remedies and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. While the marriage relation exists, a suit for the support of a child or children may be brought in the district court against any parent who fails to provide for the support and maintenance of his or her child or children under eighteen years of age. Such suit may be brought by the parent with whom the child or children reside or by any person having the legal custody of the child or children. Where the parents are living separate and apart, but the marriage relation continues to exist, one parent likewise is authorized to bring suit against the other to fix the legal custody of their child or children under the age of eighteen years.

Sec. 2. Venue in such a suit for support or custody shall be in the county of the residence of the defendant.

Sec. 3. Upon the filing of such a suit citation shall issue as in other cases. Upon a hearing the court shall enter such order for support and maintenance and custody, or custody only, of such child or children as may seem necessary and proper. Upon change of conditions such order may be changed after application and hearing. A violation of or refusal to obey any order of the court may be punished as for contempt. Money paid under the provisions of this Act shall be paid into the district clerk's office, and disbursed under the order of the court.

Sec. 4. In the event, however, a suit for divorce be filed by one of the parties to an action brought under this Act, either as an independent suit or as a cross-action, and an order or orders be entered in the divorce suit providing for child support and child custody, then the orders entered in the divorce suit shall operate to control the matter of support and custody of children to the exclusion of the provisions of this Act.

Sec. 5. The provisions of this Act shall be cumulative of any provisions of law for support and custody of children now in effect.

Sec. 6. The fact that under certain conditions there is now no adequate provisions for support and maintenance and custody of children creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby sus-

pending, and this Act shall take effect and be in force from and after the time of its passage, and it is so enacted.

The report was read.

On motion of Senator Martin and by unanimous consent the report was considered immediately and was adopted.

Motion to Place House Bill 46 on Second Reading

Senator Hardeman asked unanimous consent to suspend the regular order of business and take up H. B. No. 46 for consideration at this time.

There was objection.

Senator Hardeman then moved to suspend the regular order of business to take up H. B. No. 46 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—13

Aikin	Ratliff
Ashley	Rogers
Fly	of Childress
Hardeman	Rogers of Travis
Kazen	Secrest
Moffett	Strauss
Owen	Willis

Nays—12

Bracewell	Martin
Colson	McDonald
Fuller	Parkhouse
Kelley	Phillips
Lane	Roberts
Lock	Shireman

Absent

Hazlewood	Moore
Latimer	Wagonseller

Absent—Excused

Corbin	Weinert
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Bills Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills:

H. B. No. 909, A bill to be entitled "An Act prohibiting peddling or use of finger alphabet cards or printed matter stating that the person is

deaf, under certain circumstances; providing a penalty for violation; and declaring an emergency."

H. B. No. 10, A bill to be entitled "An Act making certain adjustments with respect to the examination of insurance companies and accomplishing this purpose by: Amending Article 1.15 of the Insurance Code pertaining to examination of insurance companies; amending Article 1.16 of the Insurance Code pertaining to expenses of examinations and disposition of sums collected; amending Article 1.17 of the Insurance Code pertaining to the appointment by the Board of Insurance Commissioners of a Chief Examiner, Supervising Examiners, Senior Examiners, and Assistant Examiners and Actuaries, and providing for their compensation; amending Article 1.18 pertaining to the oath and bond of all Examiners; amending Article 1.19 pertaining to the duties and powers of the Board of Insurance Commissioners in examinations and the making public of examination reports; repealing conflicting laws and parts of laws to extent of such conflict; setting forth a severability clause; and declaring an emergency."

H. B. No. 284, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Constitution comprising the territory contained within the city of Haltom City in Tarrant County, Texas, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing and transporting the same; providing for the annexation of additional territory thereto; providing for a Board of Directors for the government of said district; authorizing the District to do all things necessary to make available for municipal and industrial uses, etc., and declaring an emergency."

H. B. 676, A bill to be entitled "An Act amending Section 1 of Chapter 186 of the Acts of the 50th Legislature, 1947, as amended, and being Section 1 of Article 8280-131 of Vernon's Civil Statutes, to reduce the terms of directors; and declaring an emergency."

H. B. No. 916, A bill to be entitled "An Act prohibiting the taking of minnows from the waters of Karnes County for the purpose of sale; pro-

hibiting certain persons from taking minnows from these waters; prohibiting the transportation of minnows out of the county for sale or any commercial purpose; limiting the number of minnows which may be transported out of the county and the number which may be in possession in a vehicle in the county; providing a penalty for violation of the Act; repealing conflicting laws; and declaring an emergency."

H. B. No. 443, A bill to be entitled "An Act amending Article 1147 of the Penal Code of Texas, 1925, providing when and under what circumstances an assault or battery becomes aggravated; providing for severance of any part of this Act which may be held invalid; and declaring an emergency."

Senate Resolution 351

Senator Lock offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Senior Class of Burkeville High School, Burkeville, Texas, accompanied by their sponsors, Mr. and Mrs. W. B. Miller; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Lock, by unanimous consent, presented the students and their sponsors to the Members of the Senate.

Presentation of Guests

Senator McDonald, by unanimous consent, presented Mrs. Roy Galson of Tyler, Mrs. Barclay Megarity of Waco, Mrs. Ores Kilpatrick of San Antonio and Mrs. J. E. Murphy of Houston, all members of the Daughters of the

Republic of Texas, to the Members of the Senate.

House Bill 413 on Second Reading

On motion of Senator Lock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 413, A bill to be entitled "An Act amending subsections (1), (2), and (4) of Section 2, Article XX of Chapter 184, Acts of the 47th Legislature, Regular Session, as amended, changing the amounts to be allocated from the Clearance Fund to the Blind Assistance Fund, the Children's Assistance Fund, and the Old Age Assistance Fund; fixing the operative date of the amendment; and declaring an emergency."

The bill was read second time.

Senator Lock offered the following amendment to the bill:

Amend House Bill No. 413, Section 1, by striking out Subsection (4) and inserting in lieu thereof the following:

"(4) After the above allocations and payments have been made from such 'Clearance Fund' there shall be allocated, transferred and credited to the special fund in the Treasury known as the 'Old Age Assistance Fund' for the purpose of providing assistance to the needy aged in the manner as authorized by Senate Bill No. 36, Acts of the Regular Session, Forty-sixth Legislature, 1939, and any amendments thereto, such sum as is required, when taken together with any other funds received from any other sources by reason of other State laws still in effect, which will total Thirty-seven Million, Two Hundred Thousand Dollars (\$37,200,000) for the fiscal year beginning September 1, 1955, and for each fiscal year thereafter, said allocation to be provided in monthly installments, one installment being payable on the first day of each calendar month.

"If, on the first day of any calendar month, the amount on that day transferred from the 'Clearance Fund' to the 'Blind Assistance Fund,' the 'Children's Assistance Fund,' and the 'Old Age Assistance Fund' is not sufficient to provide the allocation from state funds as herein provided for

that month, then in that event, there shall be deposited to the credit of the 'Blind Assistance Fund,' the 'Children's Assistance Fund,' or the 'Old Age Assistance Fund' from the first revenues collected after the first day of the month, which would otherwise go into the General Revenue Fund, such sum, as with the balance on hand in the fund plus the payment from the 'Clearance Fund,' will make available in the various funds the total amount of state funds for that month as is herein provided.

"The allocations shall be and are in lieu of all other state allocations for aid to the blind, aid to dependent children, and old age assistance, and such allocations and appropriations shall not include any funds received from the Federal Government.

"None of the money herein allocated for old age assistance payments, aid to the blind payments, or aid on behalf of needy children shall be used for the purpose of paying assistance to any person who disposes of property, either personal or real, for the purpose of qualifying or increasing need for assistance, provided that the property, if still available, would affect either eligibility or the amount of the assistance payment."

The amendment was adopted.

On motion of Senator Lock, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to third reading.

House Bill 413 on Third Reading

Senator Lock moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 413 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lane
Ashley	Lock
Colson	Martin
Fly	McDonald
Fuller	Moffett
Hardeman	Owen
Kazen	Parkhouse
Kelley	Ratliff

Roberts	Secrest
Rogers	Shireman
of Childress	Willis
Rogers of Travis	

Nays—2

Bracewell	Strauss
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Absent

Hazlewood	Phillips
Latimer	Wagonseller
Moore	

Absent—Excused

Corbin	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Willis offered the following amendment to the bill:

Amend H. B. No. 413 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Subsection (1), Section 2, Article XX of House Bill No. 8, Chapter 184, Acts of the Regular Session of the 47th Legislature, and any amendments thereto, is hereby amended so as to hereafter read as follows:

"(1) There shall be appropriated and allocated, transferred and credited to the special fund in the Treasury known as the 'Blind Assistance Fund' for the purpose of providing and administering assistance to the blind in the manner as authorized by Senate Bill No. 36, Acts of the Regular Session, 46th Legislature, 1939, and any amendments thereto, such part of One Million, Two Hundred Thousand (\$1,200,000.00) Dollars as the effective period of this Act for the fiscal year ending August 31, 1955, bears to the entire fiscal year. The funds now on hand in, or hereafter deposited to the credit of the 'Blind Assistance Fund' are hereby appropriated for the uses and purposes prescribed by law; subject, however, to the provisions of this Act. This appropriation is for the remainder of the fiscal year ending August 31, 1955. There shall be transferred and credited to such fund for the purpose of providing assistance to the blind in the manner as authorized by Senate Bill No. 36, Acts of the Regular Session, 46th Legislature, 1939, and any

amendments thereto, the sum of One Million, Two Hundred Thousand (\$1,200,000.00) Dollars each fiscal year thereafter, said amount to be provided on a basis of equal monthly payments payable on the first day of each calendar month."

Section 2. Subsection (2), Section 2, Article XX of House Bill No. 8, Chapter 184, Acts of the 47th Legislature, Regular Session, and any amendments thereto, is hereby amended so as to hereafter read as follows:

"(2) There shall be appropriated and allocated, transferred and credited to the special fund in the Treasury known as the 'Children's Assistance Fund' for the purpose of providing and administering assistance to dependent and destitute children in the manner as authorized by Senate Bill No. 36, Acts of the 46th Legislature, 1939, and any amendments thereto, such part of Three Million, Six Hundred Thousand (\$3,600,000.00) Dollars as the effective period of this Act for the fiscal year ending August 31, 1955, bears to the entire fiscal year. The funds now on hand in, or hereafter deposited to the credit of the 'Children's Assistance Fund' are hereby appropriated for the uses and purposes prescribed by law; subject, however, to the provisions of this Act. This appropriation is for the remainder of the fiscal year ending August 31, 1955. There shall be transferred and credited to such fund for the purpose of providing assistance on behalf of dependent children as defined and in the manner as authorized by Senate Bill No. 36, Acts of the Regular Session, 46th Legislature, 1939, and any amendments thereto, the sum of Three Million, Six Hundred Thousand (\$3,600,000.00) Dollars for each fiscal year thereafter, said amount to be provided on the basis of equal monthly payments payable on the first day of each calendar month."

Section 3. Subsection (4), Section 2, Article XX of House Bill No. 8, Chapter 184, Acts of the Regular Session of the 47th Legislature, and any amendments thereto, is hereby amended so as to hereafter read as follows:

"(4) After the above allocations and payments have been made from such 'Clearance Fund,' there shall be appropriated and allocated, transferred and credited to the special fund in the Treasury known as the 'Old Age Assistance Fund' for the purpose of providing and administering

assistance to the needy aged in the manner as authorized by Senate Bill No. 36, Acts of the 46th Legislature, Regular Session, and any amendments thereto, such sum as is required, when taken together with any other funds received from any other sources by reason of other State laws still in effect, which will total Thirty-seven Million, Two Hundred Thousand (\$37,200,000.00) Dollars for the fiscal year; provided, however, that this allocation and appropriation shall be effective from the effective date of this Act, and such part of this allocation and appropriation, as the effective period of this Act for the fiscal year bears to the entire fiscal year, shall be allocated and appropriated for the remainder of the fiscal year ending August 31, 1955; said allocation and appropriation to be provided in monthly installments, one installment being payable on the first day of each calendar month. Provided further that there shall be transferred and credited to such fund for the purpose of paying assistance to the needy aged such sum as is required, when taken together with any other funds received from any other sources by reason of other state laws still in effect, which will total Thirty-seven Million, Two Hundred Thousand (\$37,200,000.00) Dollars for each fiscal year thereafter; said allocation to be provided in monthly installments, one installment being payable on the first day of each calendar month.

"Provided further, that none of the money herein appropriated or allocated for old age assistance payments, aid to the blind payments, or aid on behalf of needy children shall be used for the purpose of paying assistance to any person who disposes of property, either personal or real, for the purpose of qualifying or increasing need for assistance, provided that the property, if still available, would affect either eligibility or the amount of the assistance payment."

Section 4. If, on the first day of any calendar month, the amount on that day transferred from the "Clearance Fund" to the "Blind Assistance Fund," the "Children's Assistance Fund," and the "Old Age Assistance Fund" is not sufficient to provide the allocation from state funds as herein provided for that month, then in that event, there shall be deposited to the credit of the "Blind Assistance Fund," the "Children's Assistance Fund," or the "Old Age Assistance Fund" from the first revenues collected after the

first day of the month, which would otherwise go into the General Revenue Fund, such sum, as with the balance on hand in the fund plus the payment from the "Clearance Fund," will make available in the various funds the total amount of state funds for that month as is herein provided.

The allocations shall be and are in lieu of all other state allocations for aid to the blind, aid to dependent children, and old age assistance, and such allocations and appropriations shall not include any funds received from the Federal Government. Provided further, that the administrative expenses of all kinds out of state funds for the remainder of the biennium ending August 31, 1955, shall be in accordance with the provisions contained in the Departmental Appropriation Bill, being House Bill 111, Chapter 81, Acts of the Regular Session of the 53rd Legislature.

Section 5. If any section, subsection, paragraph, sentence, clause, phrase, or word in this Act, or application thereof to any person or circumstance, is held invalid, such holding shall not affect the validity of the remaining portion of this Act; and the Legislature hereby declares it would have passed such remaining portion despite such invalidity.

Section 6. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict only.

Section 7. The fact that within the past two years since the last appropriation for public assistance was made there has been a marked increase in the cost of living; the fact that since the last appropriation was made the people of the State of Texas indicated their desire that assistance payments be increased by adopting the Constitutional Amendment providing for increased grants and permitting additional appropriations for payments; the fact that the needy aged, blind, and dependent children are not properly clothed and fed because of the inadequacy of their grants; and the crowded condition of

the calendar, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three (3) several days in each House, and the Constitutional Rule requiring bills to take effect and go into force ninety (90) days after the adjournment of the session be, and the same are hereby suspended; and this Act shall take effect and be in force from and after its passage; and it is so enacted.

The amendment failed of adoption by the following vote (not receiving two-thirds vote of the Members present):

Yeas—13

Aikin	Owen
Hazlewood	Phillips
Kelley	Roberts
Lane	Rogers
Martin	of Childress
McDonald	Secrest
Moffett	Willis

Nays—10

Bracewell	Parkhouse
Fly	Ratliff
Fuller	Rogers of Travis
Hardeman	Shireman
Lock	Strauss

Absent

Ashley	Latimer
Colson	Moore
Kazen	Wagonseller

Absent—Excused

Corbin	Weinert
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The bill was then finally passed.

Adjournment

On motion of Senator Kelley the Senate at 5:50 o'clock p. m. adjourned until 10:30 o'clock a. m. on Monday, May 16, 1955.

Record of Vote

Senator Phillips asked to be recorded as voting "Nay" on the motion to adjourn.

In Memory of
Honorable Arthur Weinert

Senator Lane offered the following resolution:

(Senate Resolution 345)

Whereas, An outstanding Texan, Honorable Arthur Weinert of Seguin, has been called from this earthly life; and

Whereas, He was a lifelong resident of Guadalupe County where he engaged extensively in farming and cattle raising; and

Whereas, He was the son of the late Senator and Mrs. F. C. Weinert and a brother of the Honorable R. A. Weinert, a Member of this Body, and his portrait is in the hall of fame at Texas A. & M. College for his outstanding football playing at the turn of the century; and

Whereas, He was a member of the Masonic Lodge, a charter member of the Eastern Star and a member of the Sons of Hermann; and

Whereas, His charitable and genial nature and his many contributions to civic activities brought joy to those with whom he came in contact; and

Whereas, His presence and influence as a citizen will be greatly missed in his community, and the Senate of Texas desires to extend its deep and sincere sympathy to the members of his family and the citizens of Guadalupe County; now, therefore, be it

Resolved, by the Senate of Texas, That it extend its deepest sympathy to the family and that copies of this resolution under the seal of the Senate be forwarded to his wife, Mrs. Alvina Wagner Weinert; his brothers, Honorable H. H. Weinert and Senator R. A. Weinert; and his three sisters, Miss Ella Weinert and Mrs. Clara Breustedt, all of Seguin, and to Mrs. A. J. Eilers of Austin, by the Secretary of the Senate.

**LANE
HARDEMAN**

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Colson, Corbin, Fly, Fuller, Hazlewood, Kazen, Kelley, Latimer, Lock, Martin, McDonald, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Roberts, Rogers of Childress, Rogers of Travis, Secrest, Shireman, Strauss, Wagonseller, Willis.

The resolution was read.

On motion of Senator Aikin the names of the Lieutenant Governor and all of the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.